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10/713,600	11/13/2003	Reinhold G. Grellmann	PHUS009221A	2504

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PHILIPS MEDICAL SYSTEMS
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3003
22100 BOTHELL EVERETT HIGHWAY
BOTHELL, WA 98041-3003

EXAMINER

MASKULINSKI, MICHAEL C

ART UNIT	PAPER NUMBER
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2113

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Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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Commissioner for Patents

Examiner's Answer to Reply Brief

The reply brief filed August 8, 2005 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal. Responsive to the reply brief under 37 CFR 41.41 filed on August 8, 2005, a supplemental Examiner's Answer is set forth below:

On page 2, under the section DISCUSSION, the Applicant argues, "In the Answer the Examiner has confused and intermingled the subject matter of column 11, lines 14-28 of US Pat. 5,851,186 (Wood et al.), which deals with system (emphasis by Applicant), with the subject matter of column 12, line 66 through column 13, line 8, which deals with medical (emphasis by Applicant) diagnostics. The former refers to the maintenance and repair of hardware and software of an ultrasound system as performed by a serviceman (see col. 11, line 16), and the latter refers to the medical diagnosis of a patient's condition as performed by a physician (see col. 13, line 2). This patent deals with both the maintenance of the ultrasound machine and with the medical diagnosis that the ultrasound machine can perform in the hands of a physician."

The Examiner acknowledges that this patent (Wood et al.) deals with both medical diagnostics and system diagnostics, but respectfully disagrees that the two have been confused and intermingled in the Examiner's Answer, mailed June 16, 2005. In column 1, lines 43-48, Wood et al. disclose *In accordance with the principles of the present invention a medical diagnostic ultrasonic imaging system is provided which can be remotely accessed, interrogated or controlled from virtually any place on the globe to provide information about its operating characteristics, patient images and reports, or*

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even for remotely controlled system operation. It is shown by Wood et al. that both medical reports and system diagnostics are available from virtually anywhere on the globe. Therefore, it wouldn't make sense for Wood et al. to exclude system diagnostics from the HDI Server (central repository) as stated by the Applicant. Further, to clarify the section, column 12, line 66 through column 13, line 8 of Wood et al., it is important to note that the images and patient reports available to the remote diagnosing physicians are not diagnostic results, but rather data used by the remote physicians to make a diagnosis. By the Applicant's argument the diagnostic results sent to the HDI Server would have to come from the diagnosing physicians. However, in column 13, lines 3-8, Wood et al. disclose, *When all of the network's ultrasound systems use the HDI Server 234 for storage of their diagnostic results* (emphasis by Examiner), *all of this information will be accessible over the Internet even when the ultrasound systems are disconnected for use elsewhere or turned off at the end of a day.* As shown by Wood et al., the diagnostic results are from the ultrasound systems and must be system diagnostics because the ultrasound systems are not capable of performing medical diagnostics since medical diagnostics are done by diagnosing physicians.

It is respectfully requested that the Board take this argument into consideration when determining the use of the term "diagnostic" in this patent.

MM

August 24, 2005

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Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

A Technology Center Director or designee has approved this supplemental examiner's answer by signing below:


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100